

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
W.R. GRACE & CO., *et al.*,)
Debtors.) Case No. 01-1139 (JKF)
)
) Jointly Administered
) Related Docket Nos.: 13619, 13620, 13621,
) 13622, 13623, 13624, 13625, 13626, 13627,
) 13628, 13703, 13705, 13704, 13707, 13804,
) 13999, 13937, 13947, 14003, 14031, 14095

**STATEMENT OF THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL
INJURY CLAIMANTS REGARDING PROPOSED ORDERS ON THE
DEBTORS' MOTIONS TO COMPEL CLAIMANTS TO RESPOND TO
THE ASBESTOS PERSONAL INJURY QUESTIONNAIRE**

The Official Committee of Asbestos Personal Injury Claimants (the “ACC”), in the chapter 11 cases of the above captioned debtors and debtors in possession (the “Debtors”), by and through the undersigned counsel, hereby files this statement (“Statement”) regarding the competing proposed orders filed on the Debtors’ various Motions to compel claimants to respond to the asbestos personal injury Questionnaire (“Motions”). In support hereof, the ACC states as follows:

1. On December 5, 2006, this Court held a hearing on the Debtors’ Motions. At the conclusion of the hearing, the Court directed the parties to submit an agreed form of order containing the Court’s rulings.
2. Following the hearing, the Debtors filed a Motion to reconsider some of the Court’s rulings made during the December 5, 2006 hearing. On December 7, 2006, this Court entered an Order allowing additional briefing on the “Debtors’ contentions concerning discovery of ‘consultants’” (the “Consulting Expert Issue”). Various parties filed additional briefing.

3. The ACC understands that Claimants represented by Certain Law Firms (i.e. those Law Firms represented collectively by Stuzman Bromberg Esserman and Plifka) and the Claimants represented by the Montgomery McCracken Walker & Rhoads ("MMWR") Firms, (collectively the "Certain Claimant Law Firms") and the Debtor have reached an agreement on a form of proposed Order concerning many aspects of the Motions. The parties were unable to reach an agreement on an agreed, proposed Order concerning: (a) the Consulting Expert Issue; and (b) the scope of this order as it relates to (i) objections other than those ruled on at the December 5 hearing and (ii) Claimants who were not respondents to the Motions.

4. The ACC does not object to the form of Order on the Consulting Expert Issue proposed by the Certain Claimant Law Firms. The ACC also does not object to the last paragraph of Certain Claimants Law Firms' proposed Order concerning the scope of this order as it relates to (i) objections other than those ruled on at the December 5 hearing and (ii) Claimants who were not respondents to the Motions.

5. The ACC objects to the form of Order proposed by the Debtor concerning the Consulting Expert Issue because it is inconsistent with both Fed. R. Civ. P. 26(b)(4)(B) and the ruling made by the Court at the telephonic hearing held on December 19, 2006. The ACC objects to the final paragraph of the Order proposed by the Debtor concerning the scope of this order as it relates to (i) objections other than those ruled on at the December 5 hearing and (ii) Claimants who were not respondents to the Motions because the Debtors' proposed Order is inconsistent with the Court's statements at the December 5, 2006 hearing on the Motions found

on pages 255 through 260 of the Official Transcript of the December 5, 2006 hearing.

Dated: December 20, 2006

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